

1. At the end of the day on September 30, 2013, the appropriation that had been funding the Department of Justice expired and the appropriations to the Department lapsed. The same is true for most Executive agencies, including the United States Small Business Administration (SBA). The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the SBA are prohibited from working, even on a voluntary basis, “except for emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel therefore requests a stay of the case until Congress has restored appropriations to the Department and other Executive agencies.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Undersigned counsel contacted counsel for Defendant who does not oppose this request, so long as the stay does not exceed a reasonable period of time.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted this 8th day of October, 2013.

CHRISTOPHER A. CROFTS
United States Attorney

/s/ Mark A. Klaassen
MARK A. KLAASSEN
Assistant United States Attorney

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of the foregoing **MOTION FOR STAY DUE TO LAPSE OF APPROPRIATIONS** has been served upon the following by United States mail on October 8, 2013.

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